

*** NOT FOR PUBLICATION ***

NO. 26605

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

FRANCIS ANTHONY GRANDINETTI, aka Albert Fernandez, aka Frank
Myers, aka Frank Irandine, Defendant-Appellant

APPEAL FROM THE THIRD CIRCUIT COURT
(CR. NO. 93-141)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that the matters identified in the June 3, 2004 notice of appeal are not appealable pursuant to HRS § 641-11 or HRS § 614-17, which authorize appeals only from the judgment and sentence or from a certified interlocutory order. Thus, we lack jurisdiction over this appeal. See Grattafiori v. State, 79 Hawai'i 10, 13, 897 P.2d 937, 940 (1995) ("The right of appeal in a criminal case is purely statutory and exists only when given by some constitutional or statutory provision."). Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, September 16, 2004.